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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

XUEDAN WANG and ERIN SPENCER, on  
behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

THE HEARST CORPORATION,

Defendant.

**12 Civ. 0793 (HB)**

**DECLARATION OF RACHEL BIEN IN OPPOSITION TO DEFENDANT'S MOTION  
FOR PARTIAL JUDGMENT ON THE PLEADINGS**

I, Rachel Bien, declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney at Outten & Golden LLP ("O&G"), counsel for Plaintiffs in the above-captioned action. I am an attorney in good standing admitted to practice in the State of New York and before this Court.

2. I have been one of the attorneys primarily responsible for the prosecution of this action.

3. I make the statements below based on my personal knowledge and would so testify if called as a witness at trial.

4. Attached hereto as **Exhibit A** is a true and correct copy of the Bill Jacket to the 1974 amendment to the New York Labor Law.

5. Attached hereto as **Exhibit B** is a true and correct copy of correspondence, dated

July 28, 2011, produced by Defendant to Plaintiffs in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 7, 2012  
New York, New York

/s/ Rachel Bien

Rachel Bien  
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